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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,421	12/09/2003	Mohan Krishnan	279.650US1	3925
21186 7590 08/22/2008 SCHWEGMAN, LUNDBERG & WOESSNER, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402				
EXAMINER				
STOKLOS, JOSEPH A				
ART UNIT		PAPER NUMBER		
3762				
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08/22/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 8/13/2008 have been fully considered but they are not persuasive.
2. Applicant argues that Helland fails to teach a lead body that adapted such that a layer of blood cells is formed on the outer surface when exposed to a bloodstream. It has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.
3. In the present case, it is Examiner's position that in light of Helland disclosing that the lead body be **biocompatible and biostable** (added for emphasis) that the system of Helland will also be able to form such a layer of blood cells upon implantation and exposure to a bloodstream, as such a function is an expected biological reaction to an implanted foreign body. Further it is Helland's objective to create a more biocompatible lead/electrode system by including a textured micro sphere tip electrode for the expressed reason of formation of a layer of blood cells (tissue in growth). So, the disclosure by Helland that the lead body **is** biocompatible and biostable implicitly discloses that formation of such a layer would also occur on the lead body.
4. Applicant argues that Helland fails to teach a ring electrode with a micro sphere coating. This is well known and previously acknowledged by Examiner; however Examiner is of the position that it would have been obvious to include or replace the tip electrode with a ring electrode since such a modification would provide the predictable

result of providing bipolar pacing or minimizing an inflammation response that is produced by bluntly fixating the tip electrode to the desired target site. Please see paragraph 4 of the previous Final Rejection dated 6/13/2008. It is Helland expressed teaching of providing a micro sphere coating of the electrode that still holds true even with the addition of a ring electrode. Helland expressly teaches motivation of creating a texturized electrode as set forth in Col. 3, line 1-35.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH STOKLOSA whose telephone number is (571)272-1213. The examiner can normally be reached on Monday-Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on 571-272-4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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8/20/2008